

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ALEJANDRO MANUEL  
BONILLA-FILOMENO,**

**Defendant.**

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**8:07CR360**

**REPORT AND RECOMMENDATION  
AND  
ORDER**

At the conclusion of the hearing on May 19, 2008, on the defendant's motion to dismiss, I stated my conclusions on the record and my decision to recommend that the motion to dismiss be denied. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Lyle E. Strom, Senior United States District Judge, that the motion to dismiss, Filing No. 63, be denied in all respects.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 57.3 any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) business days after the transcript is available to counsel for reading in the clerk's office. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.
3. The government's motion to withdraw its motion to dismiss, Filing No. 65, is granted, and the clerk shall term such motion on the docket.

Dated this 19th day of May, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge